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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,495	05/15/2007	Anders Korsgaard	606-136-PCT-PA	1854
22145 7590 06/22/2010 KLEIN, O'NEILL & SINGH, LLP 18200 VON KARMAN AVENUE SUITE 725 IRVINE, CA 92612			EXAMINER SMITH, MATTHEW J	
			ART UNIT 3635	PAPER NUMBER
			MAIL DATE 06/22/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/591,495	Applicant(s) KORSGAARD ET AL.	
	Examiner Matthew J. Smith	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “60” has been used to designate both cutter [0033] and door [0034] and in [0031] “bode” should be –body--.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

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reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 6-8, 10, 11, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Davies et al. (6872273).

Davies et al. disclose a method of preventing or reducing temperature gradient caused bending of a structural element 10A made of a material withstanding heating to a specific temperature for an extended period of time when heating the element to the specific temperature, the structural element connected to an adjacent supporting structure through a high temperature resistant supporting body, the method comprising: providing the structural element 10A with the high temperature resistant supporting body as a pultruded profiled body, the supporting body having a solidified high temperature resistant resin 24A and reinforcing fibers 22A; part of the reinforcing fibers exhibit high strength and high stiffness at a low temperature and a reduced strength and a reduced stiffness when exposed to the specific temperature (col. 18, lines 42-56); fixating the structural element relative to its supporting structure by the pultruded body; the resin body made from polyester; the pultruded body zones having a part of the fibers for allowing the deformation of the pultruded body at the specific zones (col. 18, lines 42-56); the pultruded body having a resin body 24A including a solidified high temperature resistant resin and reinforcing fibers 22A exhibiting high strength and high stiffness at a low temperature and a reduced strength and a reduced stiffness when exposed to the specific temperature (col. 18, lines 42-56); the pultruded body including zones having fibers for allowing the deformation of the pultruded body at the specific zones (col. 18, lines 42-56); zones located at the pultruded body center for providing a central deformation zone, Fig. 28; the pultruded body having reinforcing fibers exhibiting high strength and high stiffness at a low temperature and a reduced strength and a reduced stiffness when exposed to the specific

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temperature, Fig. 28; and providing a resin and producing the body from the reinforcing fibers and the resin in a pultrusion process for providing the pultruded body and curing the pultruded body at a temperature without deteriorating the fibers.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. in view of Fu et al. (6825137).

Davies et al. disclose the invention substantially as claimed and discloses fenestration (col. 7, line 23) but not the structural element being a metallic plate of a fire-resistant door or the pultruded body being fixated within metal end encasings exposing a central uncovered and insulating central part.

Fu et al. show structural element being a metallic plate of a fire-resistant door (col. 1, line 57) and the pultruded body within metal end encasings exposing a central uncovered and insulating central part 26.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the Davies et al. as a door with a metallic plate and encase the Davies et al. structure within metal, as shown by Fu et al., in order to make a metal covered product.

Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. in view of Marzocchi (3391052)

Davies et al. disclose the invention substantially as claimed including the reinforcing fibers include glass fibers and natural fibers and two fibers with different heat reacting characteristics (col. 18, lines 42-56) but not glass fibers having an exterior coating of polymer non-capable of withstanding heating to the specific temperature.

Marzocchi presents glass fibers (Abstract) having an exterior coating of polyethylene (Abstract) non-capable of withstanding heating to the specific temperature. Marzocchi also recognizes the capabilities of the coating (col. 2, lines 53-67).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to coat the Davies et al. fiber, as presented by Marzocchi, in order to enhance bonding.

Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. in view of Kratsch et al. (4252588).

Davies et al. disclose a method of preventing or reducing temperature-gradient caused bending of a structural element withstanding heating to a specific temperature for an extended period of time, comprising: providing the structural element 10 with a second supporting structural element through a high temperature resistant supporting body 24A, the supporting body being a pultruded profiled body having a solidified high temperature resin 24A and reinforcing fibers 22A; the reinforced fibers exhibiting high strength and high stiffness at a low temperature and a reduced strength and reduced stiffness at higher temperatures, Fig 28; and fixating the structural element relative to the second supporting structural element by means of pultruded body but not the specific temperature being in the range of 300-1000 C°.

Kratsch et al. discuss reinforcing fibers withstanding a temperature in the range of 300-1000 C° (col. 5, lines 49-50).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use fibers able to withstand high temperatures, as discussed by Kratsch et al., in order to densify the Davies et al. fibers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Smith whose telephone number is (571) 272-7034. The examiner can normally be reached on T-Th, 8-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./
Supervisory Patent Examiner, Art Unit 3635

/M. J. S./
Examiner, Art Unit 3635
8 June 2010